

**PRETRIAL DIVERSION AGREEMENT  
IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION**

*M. Janze*

IN RE Aretha Usher

Case No. CR608-00024-002

The Court has been advised that Aretha Usher has entered into a pretrial diversion agreement dated January 14, 2009, with the United States Attorney's Office. A copy of the agreement is attached to this order and is incorporated by reference.

The pretrial diversion agreement includes a condition that requires Aretha Usher to make restitution in the amount of \$27,486 to the Social Security Administration.

It is ORDERED that the clerk of the court accept and receive restitution payments from Aretha Usher and disburse them to the Social Security Administration in accordance with the pretrial diversion agreement and in the manner in which restitution payments are received and disbursed for criminal judgments.

  
\_\_\_\_\_  
William T. Moore, Jr.

Chief Judge, U.S. District Court

Jan. 16, 2009  
\_\_\_\_\_  
Date

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION**

UNITED STATES OF AMERICA )  
v. ) CR 608-24  
ARETHA USHER )

## **AGREEMENT FOR PRETRIAL DIVERSION**

It appearing that you are reported to have committed an offense against the United States beginning in or about July 2003 and continuing until in or about June 2008, in violation of Title 42, United States Code, Section 1383(a)(3) and Title 18, United States Code, Section 641.

Upon your accepting responsibility for your behavior and by your signature on this Agreement, it appearing, after an investigation of the offense, and your background, that the interest of the United States and your own interest and the interest of justice will be served by the following procedure; therefore,

On the authority of the Attorney General of the United States, by EDMUND A. BOOTH, JR., United States Attorney for the Southern District of Georgia, prosecution in this District for this offense shall be deferred for the period of 18 months from this date, provided you abide by the following conditions and the requirements of the program set out below.

Should you violate the conditions of this supervision, the United States Attorney may revoke or modify any conditions of this pretrial diversion program or change the period of supervision which shall in no case exceed eighteen months. The United States Attorney may release you from supervision at any time. The United States Attorney may at any time within the period of your supervision initiate prosecution for this offense should you violate the conditions of this supervision and will furnish you with notice specifying the conditions of your program which you have violated.

If, upon completion of your period of supervision, a pretrial diversion report is received to the effect that you complied with all the rules, regulations and conditions above-mentioned, no prosecution for the offense set out will be instituted in this District, and any indictment or information will be discharged.

Neither this agreement nor any other document filed with the United States Attorney as a result of your participation in the pretrial diversion program will be used against you except for impeachment purposes, in connection with any prosecution for the above-described offense.

## CONDITIONS OF PRETRIAL DIVERSION

1. You shall appear at the local office of United States Probation (in the United States Courthouse), between 9:00 a.m. and 4:00 p.m., within the next two business days following the signing of this agreement, and there submit to being fingerprinted. Thereafter, you shall contact Mr. Christopher Frost, United States Probation Officer and provide him with the date fingerprints were taken and the name of the fingerprinting individual.

2. You shall not violate any law (federal, state, or local). You shall immediately contact your probation officer if arrested and/or questioned by any law enforcement officer.

3. You shall continue to live in the judicial district of the Southern District of Georgia. If you intend to move out of the district, you shall inform your probation officer so that the appropriate transfer of program responsibility can be made.

4. You shall report to your probation officer as directed, truthfully answer all inquiries made by the probation officer, and follow instructions of the probation officer. You will submit to the probation officer a truthful and complete written report once per month.

5. You shall and do hereby agree to pay restitution to the Social Security Administration in the amount of \$27,486, to be paid at the rate of \$400 per month. You do further agree to enter into a consent order as part of a civil action in which you will suffer judgment for the said amount, plus lawful interest, until the judgment is paid in full. Moreover, you will meet with the members of the Financial Litigation Section of this office upon the execution of this form, or at their discretion, and provide them with full and complete information of all your assets, liabilities, and related financial affairs.

I assert and certify that I am aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. I also am aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information or in bringing a defendant to trial. I hereby request that the United States Attorney for the Southern District of Georgia defer any prosecution of me for the period of 18 months. To induce him to defer such prosecution, I agree and consent that any delay from the date of this Agreement to the date of the initiation of prosecution as provided for in the terms expressed herein, shall be deemed to be a necessary delay at my request. I waive any defense to such prosecution on the ground that such delay operated to deny my rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations.

I hereby state that the above has been read and explained to me. I understand the conditions of my pretrial diversion and agree that I will comply with them.

Aretha Usher  
Aretha Usher  
Divertee

1-14-09  
Date

B. Jay Swindell  
B. Jay Swindell  
Defense Attorney

1/14/09  
Date

R. Brian Tanner  
R. Brian Tanner  
Assistant U.S. Attorney

1/14/09  
Date

Christopher G. Frost  
Christopher G. Frost  
U.S. Probation Officer

1/14/2009  
Date